

ALJ/JPO/avs

Decision 02-03-012 March 6, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Intouch Telecom, L.L.C. for a Certificate of Public
Convenience and Necessity to Offer
Facilities-Based and Resold Local Exchange and
Interexchange Telecommunications Services to
the Public in the State of California.

Application 00-05-041
(Filed May 11, 2000)

**OPINION DISMISSING APPLICATION
FOR FAILURE TO PROSECUTE**

I. Summary

Intouch Telecom, L.L.C. (Applicant) filed this application for a certificate of public convenience and necessity (CPCN) under Pub. Util. Code § 1001 for authority to provide local exchange and interexchange telecommunications services. By this decision, we dismiss the application for failure to prosecute.

II. Discussion

Applicant filed its application on May 11, 2000, requesting authority to provide local exchange and interexchange services. The application did not contain all of the information required for approval. On June 9, 2000, the assigned administrative law judge (ALJ) faxed a request for additional information to Applicant's counsel. On July 10, 2000, the ALJ received a letter requesting additional time to respond to the request. The request for additional time was granted. The ALJ made subsequent inquiries regarding the request, but was unable to get a response from Applicant. On December 3, 2001, the ALJ issued a ruling that required Applicant to indicate whether it wanted to pursue

the application. Applicant was ordered to respond by December 20, 2001. Applicant had not file a response. This application should not be left open indefinitely, as Applicant has been given a full opportunity to pursue this matter, and has not done so. Therefore, the application shall be dismissed for failure to prosecute. This order will be made effective immediately in order to clear this application from the Commission's list of active proceedings.

III. Comments on Draft Decision

The draft decision of ALJ Jeffrey P. O'Donnell in this matter was mailed to the parties in accordance with Pub. Util. Code Section 311(g)(1) and Rule 77.7 of the Commission's Rules of Practice and Procedure. No comments were filed.

Findings of Fact

1. Applicant failed to respond to the ALJ's June 9, 2000 request for information.
2. Applicant failed to respond to the ALJ's December 3, 2001 ruling.

Conclusion of Law

1. The application should not be left open indefinitely.
2. Applicant has failed to prosecute the application.
3. The application should be dismissed.
4. This order should be made effective immediately in order to clear this application from the Commission's list of active proceedings.

O R D E R

IT IS ORDERED that:

1. Application 00-05-041 is dismissed.
2. This proceeding is closed.

This order is effective today.

Dated March 6, 2002, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
RICHARD A. BILAS
CARL W. WOOD
GEOFFREY F. BROWN
Commissioners